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09/839,024	04/20/2001	James Edward Schlabach	20-EB-4093/624226.305	2395

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EXAMINER

CHANNAVAJALA, SRIRAMA T

ART UNIT

PAPER NUMBER

2177

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/839,024

Applicant(s)

SCHLABACH ET AL.

Examiner

Srirama Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 119(e), based on US Provisional application No. 60/258,747, filed on 12/29/2000, Also examiner notes that the present application is a continuation in part of US Application SI.No. 09/644,421.

### ***Drawings***

2. The Drawing filed on 4/20/2001, are approved to by the Draftsperson under 37CFR 1.84 or 1.152.

### ***Specification***

The disclosure is objected to because of the following informalities.

3. The citation to the two [3] Cross-Referenced applications at page 1, 7, 11 are incomplete. Appropriate correction at page 1, 7,11 is required including updating these cross-referenced application statuses in response to this office action.

4. Applicant has incorporated by reference two [2] co-pending applications, at page 7 and 11 of the specification. Examiner notes that incorporation by reference of an application in a printed United States patent constitutes a special circumstance under 35 U.S.C. § 122 warranting that access of the original disclosure of the application be granted. The incorporation by reference will be interpreted as a waiver of confidentiality of only the original disclosure as filed, and not the entire application file, In re Gallo, 231

USPQ 496 (Comm'r Pat. 1986). If Applicant objects to access to the entire application file, two copies of the information incorporated by reference must be submitted along with the objection. Failure to provide the material within the period provided will result in the entire application (including prosecution) being made available to petitioner. The Office will not attempt to separate the noted materials from the remainder of the application. Compare *In re Marsh Engineering Co.*, 1913 C.D. 183 (Comm'r Pat. 1913).

### ***Information Disclosure Statement***

5. The information disclosure statement filed on 7/16/2001, paper no. # 4, has been considered, a copy of PTO-1449 herewith attached to this office action, paper no. # 5.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claim 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Li, US Patent No. 6609050.

7. As to Claims 1, 16, Li teaches a system which including 'computerized method for training service personnel to service selected equipment' [see Abstract], 'providing a database for storing respective training modules for training service personnel to service respective assemblies of selected equipment' [fig 4, col 4, line 56-67, col 5, line 1-5], 'identifying an assembly that requires servicing at the site' [col 5, line 10-17], 'identifying the present qualifications of a service personnel available at the service site for servicing the assembly' [col 4, line 37-41], Li specifically teaches various modules for example dealer selector module, scheduler module technician selector module and like as detailed in fig 3, further it is also noted that dealer selector module element 40 contains service dealer database, this service dealer database also further contains various service dealer information including location, technician lists as detailed in col 4, line 37-42, correlating the present qualifications of the service personnel to predefined qualifications needed to service that assembly to determine whether or not the present qualifications of the service personnel meet said predefined requirements' [col 4, line 49-55], 'in the event the predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, identifying

one or more needed training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly' [fig 3, col 3, line 23-31, col 4, line 26-29], it is noted that service dealer database containing various fields such as technician skill level, technician rating that corresponds to predefined qualifications relative to that assembly, 'providing an input/output device to the service personnel' [see fig 7-9, fig 1], input and output devices are integral part of Li's teaching because Li not only collecting information or data but also displaying via user interface [col 3, line 40-45], 'communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service' [col 7, line 42-54].

8. As to Claim 2, Li teaches a system which including 'service personnel available at the service site for servicing the assembly are stored in the database' [fig 3, element 94].

9. As to Claim 3, Li teaches a system which including 'predefined qualifications need to service the assembly to be serviced is stored in the database' [fig 3, element 94, col 3, line 24-31], specifically service dealer database maintains various fields such as list of technicians, technician skill level, technician rating.

10. As to Claim 4, Li teaches a system which including 'communicating the successful completion of training by the service personnel back to the database and updating the database' [col 3, line 24-31, col 7; line 54-59].

11. As to Claim 5, Li teaches a system which including 'database does not recognize the equipment as having been serviced until the needed training module has been successfully completed' [col 5, line 45-55].

12. As to Claim 7, the limitations have been noted in the above rejection claim 1. In addition, Li disclosed 'training modules are communicated and training is performed' [col 3, line 24-31].

13. As to Claims 8-9, the limitation has been noted in the above rejection Claim 1. In addition, Li disclosed 'input/output device interfaces with the training module while the training module is resident in the database' [fig 1-3, col 24-31].

14. As to Claim 10, the limitations have been noted in the above rejection Claim 1. In addition, Li disclosed 'multimedia module' [see fig 28, col 8, line 46-56].

15. As to Claim 11, the limitations have been noted in the above rejection Claim 1. In addition, Li disclosed 'database is configured to deliver, upon request of a service

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provider, background information regarding other assemblies interrelated to an assembly is being serviced' [col 8, line 24-31].

16. As to Claim 12, the limitations have been noted in the above rejection Claim 1. In addition, Li disclosed 'list of tools used to perform services for a given assembly' [fig 10], further it is noted that specific tools recommended for specific job such as wheel alignment are integral part of Li's teaching because Li is specifically directed to servicing vehicles.

17. As to Claim 13, the limitations have been noted in the above rejection Claim 1. In addition, Li disclosed 'updated to reflect changes in the predefined requirements for servicing a respective assembly' [col 5, line 45-49].

18. As to Claim 14, the limitations have been noted in the above rejection Claim 1. In addition, Li disclosed 'database is configured to automatically schedule refresher training as may be required to maintain the present qualifications of a service provider' [col 5, line 56-67].

19. As to Claim 15, the limitations have been noted in the above rejection Claim 1. In addition, Li disclosed 'set of questions configured to elicit responses' [col 4, line 19-24].



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Li, US Patent No. 6609050 as applied to claim 1 above, and further in view of Hughes et al., [hereafter Hughes], US Patent No. 5959275.

21. As to Claim 6, Li teach 'communications between the database and the input/output devices' [see fig fig 1-3], however, Li does not specifically teach 'wireless communications'. On the other hand, Hughes disclosed communicating with remote device that communicative radio link such as detailed in fig 1.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Hughes et al., into vehicle warranty and repair computer-networked system of Li because both Li and Hughes are directed to registering and maintaining equipment, more specifically Li is directed to computer based warranty administration system that provides vehicle specific service that including repair processing, scheduling, technician selector, warranty analysis modules as detailed in fig 1-3, Abstract, while Hughes specifically directed to registering and

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tracking equipment and maintaining using hand-held client as detailed in fig 1 and both Li and Hughes are disclosed user interface [see Li: fig 7-9; Hughes: fig.2-7] and both are from the same field of endeavor because both Li and Hughes are directed to maintaining equipment. One of the ordinary skill in the art at the time of applicants' invention would have been motivated to modify Li reference, more specifically Li's fig 1 to incorporate the hand-held client device as detailed in fig 1 of Hughes et al., because that would have allowed users of Li to have more flexibility to collect information about not only registering but also tracking of various vehicles problems in real-time while walking though the bays as suggested by Hughes [se col 2, line 47-64], thus improving the quality and reliability of the system.

***Conclusion***

**The prior art made of record**

- a. US Patent No. 6609050
- b. US Patent No. 5959275

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure


- c. US Patent No. 6006171
- d. US Patent No. 6442459
- e. US Patent No. 5577186
- f. US Patent No. 6157808
- g. US Patent No. 6257896
- h. US Patent No. 2002/0107703A1
- i. US Patent No. 2002/0143421 A1
- j. US Patent No. 2002/0198997A1
- k. US Patent No. 6125312
- l. EP1096404A2
- m. GB2176637A

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is (703) 308-8538. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer Service number is (703) 306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

703/746-7238	<b>(After Final Communication)</b>
703/872-9306	<b>(Offical Communications)</b>
703/746-7240	<b>(For Status inquiries, draft communication)</b>

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

sc   
*Patent Examiner.*  
November 13, 2003.